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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,067	03/09/2005	Hirota Ishikawa	Q86296	3812
23373 7590 01/14/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER KIM, KEVIN Y				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
01/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/527,067

**Applicant(s)**

ISHIKAWA ET AL.

**Examiner**

KEVIN Y. KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6, 10, 12, 14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6, 10, 12, 14 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's amendments filed 12/17/2008 have been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4-6, 10, 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada (EP 0 850 673) in view of Liu (US 6,077,164).

4. In re claim 2, Hamada discloses a game device comprising:

basic string storage means for storing a plurality of basic strings (figure 3, 61);

substitute string storage means for storing a substitute string corresponding to each of at least one of the plurality of basic strings stored in the basic string storage means (page 6, lines 20-32 and figure 3, 61);

when the substitute string corresponding to each of the at least one of the plurality of basic strings has not been stored in the substitute string storage means, stores speech recognition data corresponding to the basic string (figure 3, 61, page 5, lines 5-8);

and when the substitute string corresponding to each of the at least one of the plurality of basic strings has been stored in the substitute string storage

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means, stores speech recognition data corresponding to the substitute string (figure 3, 61, page 5, lines 5-8);

priority input device information acquisition means for acquiring priority input device information (figure 3, 63 and 64);

input criteria display means (figure 4, 5) which,

when the priority input device information acquired by the priority input device information acquisition means indicates that a character input device is selected, displays, as input criteria, the basic strings stored in the basic string storage means (page 11, lines 29-31, "text of the TV screen");

and when the priority input device information acquired by the priority input device information acquisition means indicates that a speech input device is selected, in regard to the basic strings to which the substitute string has not been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays the basic strings as input criteria (page 11, lines 29-31, "text of the TV screen"), and in regard to the basic strings to which the substitute string has been stored in a corresponding manner in the substitute string storage means of the plurality of basic strings stored in the basic string storage means, displays the substitute strings as input criteria (page 11, lines 29-31, "text of the TV screen");

control means for controlling the game on a basis of the result of determination by the determination means (page 4, lines 23-29 and page 11, lines 4-5 and 17-23).

However, Hamada is silent on the character input criteria and the speech

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input criteria being different. Liu teaches a method of operating a game by either using a character input mode or a speech input mode. The example given is a fighting game, in which a player may use the traditional joystick to input special fighting moves (figure 6). Alternatively, one can use their voice to input the same special attacks (figure 5). In another embodiment, users can use either method at the same time (figure 7). As can be seen in the figures, the commands to do the same special attacks are different depending on whether one is using speech or character input.

It would have been obvious to one skilled in the art at the time the invention was made to have different input criteria depending on input method, as it is a matter of obvious design choice that yields the predictable result of showing users the possible selections for a game while keeping players entertained by giving them different and varied ways to control a game.

5. In re claim 4, Hamada discloses a means for controlling the probability of predetermined game events on the basis of the priority input device information acquired by the priority input device information acquisition means (page 12, lines 32- 34).

6. In re claims 5, 6 and 12, please see rejection for claims 1 and 2 *mutatis mutandis*, as they recite subject matter analogous to claim 1 and 2.

7. In re claim 10, Hamada discloses the game device being connectable to a character input device and a speech input device (figure 3, 7 and 2b).

8. In re claim 14, see rejection to claim 2, *mutatis mutandis*. Furthermore, Liu teaches a game device that is connectable to a character input device and a

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speech input device (column 1, line 65 to column 2, line 10). This is inherent, as a game device that utilizes speech input and character input must be connectable to a character and speech input device in order to be used.

9. Re claim 17, the configuration of substitute strings is a matter of obvious design choice, as it is simply a matter of programming, yielding predictable results.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada in view of Liu and Volk et al (US 5,673,401).

11. In re claim 3, Hamada has been discussed above, but is silent on displaying input criteria in a font size according to the priority input device information.

Volk et al discloses an input device (Figure 1, 54) that is connected to a game device, with the input device being able to control such elements in the interface as the font size (column 34, line 34). It would have been obvious to one skilled in the art at the time the invention was made to combine the font size controlling methods of Volk with the game device of Hamada in order to use visual cues to help lead the user through the various control operations.

### ***Response to Arguments***

12. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention

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without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN Y. KIM whose telephone number is (571)270-3215. The examiner can normally be reached on Monday-Thursday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714

/Kevin Y Kim/  
Examiner, Art Unit 3714